

***Effective 5/13/2014***

***Superseded 1/1/2016***

**67-19-15 Career service -- Exempt positions -- Schedules for civil service positions --**

**Coverage of career service provisions.**

- (1) Except as otherwise provided by law or by rules and regulations established for federally aided programs, the following positions are exempt from the career service provisions of this chapter and are designated under the following schedules:
  - (a) schedule AA includes the governor, members of the Legislature, and all other elected state officers;
  - (b) schedule AB includes appointed executives and board or commission executives enumerated in Section 67-22-2;
  - (c) schedule AC includes all employees and officers in:
    - (i) the office and at the residence of the governor;
    - (ii) the Utah Science Technology and Research Initiative (USTAR);
    - (iii) the Public Lands Policy Coordinating Council;
    - (iv) the Office of the State Auditor; and
    - (v) the Office of the State Treasurer;
  - (d) schedule AD includes employees who:
    - (i) are in a confidential relationship to an agency head or commissioner; and
    - (ii) report directly to, and are supervised by, a department head, commissioner, or deputy director of an agency or its equivalent;
  - (e) schedule AG includes employees in the Office of the Attorney General who are under their own career service pay plan under Sections 67-5-7 through 67-5-13;
  - (f) schedule AH includes:
    - (i) teaching staff of all state institutions; and
    - (ii) employees of the Utah Schools for the Deaf and the Blind who are:
      - (A) educational interpreters as classified by the department; or
      - (B) educators as defined by Section 53A-25b-102;
  - (g) schedule AN includes employees of the Legislature;
  - (h) schedule AO includes employees of the judiciary;
  - (i) schedule AP includes all judges in the judiciary;
  - (j) schedule AQ includes:
    - (i) members of state and local boards and councils appointed by the governor and governing bodies of agencies;
    - (ii) other local officials serving in an ex officio capacity; and
    - (iii) officers, faculty, and other employees of state universities and other state institutions of higher education;
  - (k) schedule AR includes employees in positions that involve responsibility:
    - (i) for determining policy;
    - (ii) for determining the way in which a policy is carried out; or
    - (iii) of a type not appropriate for career service, as determined by the agency head with the concurrence of the executive director;
  - (l) schedule AS includes any other employee:
    - (i) whose appointment is required by statute to be career service exempt;
    - (ii) whose agency is not subject to this chapter; or
    - (iii) whose agency has authority to make rules regarding the performance, compensation, and bonuses for its employees;

- (m) schedule AT includes employees of the Department of Technology Services, designated as executive/professional positions by the executive director of the Department of Technology Services with the concurrence of the executive director;
  - (n) schedule AU includes patients and inmates employed in state institutions;
  - (o) employees of the Department of Workforce Services, designated as schedule AW:
    - (i) who are temporary employees that are federally funded and are required to work under federally qualified merit principles as certified by the director; or
    - (ii) for whom substantially all of their work is repetitive, measurable, or transaction based, and who voluntarily apply for and are accepted by the Department of Workforce Services to work in a pay for performance program designed by the Department of Workforce Services with the concurrence of the executive director; and
  - (p) for employees in positions that are temporary, seasonal, time limited, funding limited, or variable hour in nature, under schedule codes and parameters established by the department by administrative rule.
- (2) The civil service shall consist of two schedules as follows:
- (a)
    - (i) Schedule A is the schedule consisting of positions under Subsection (1).
    - (ii) Removal from any appointive position under schedule A, unless otherwise regulated by statute, is at the pleasure of the appointing officers without regard to tenure.
  - (b) Schedule B is the competitive career service schedule, consisting of:
    - (i) all positions filled through competitive selection procedures as defined by the executive director; or
    - (ii) positions filled through a department approved on-the-job examination intended to appoint a qualified person with a disability or a veteran as defined in Section 71-10-1.
- (3)
- (a) The executive director, after consultation with the heads of concerned executive branch departments and agencies and with the approval of the governor, shall allocate positions to the appropriate schedules under this section.
  - (b) Agency heads shall make requests and obtain approval from the executive director before changing the schedule assignment and tenure rights of any position.
  - (c) Unless the executive director's decision is reversed by the governor, when the executive director denies an agency's request, the executive director's decision is final.
- (4)
- (a) Compensation for employees of the Legislature shall be established by the directors of the legislative offices in accordance with Section 36-12-7.
  - (b) Compensation for employees of the judiciary shall be established by the state court administrator in accordance with Section 78A-2-107.
  - (c) Compensation for officers, faculty, and other employees of state universities and institutions of higher education shall be established as provided in Title 53B, Chapter 1, Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of Higher Education.
  - (d) Unless otherwise provided by law, compensation for all other schedule A employees shall be established by their appointing authorities, within ranges approved by, and after consultation with the executive director of the Department of Human Resource Management.
- (5) An employee who is in a position designated schedule AC and who holds career service status on June 30, 2010, shall retain the career service status if the employee:
- (a) remains in the position that the employee is in on June 30, 2010; and

- (b) does not elect to convert to career service exempt status in accordance with a rule made by the department.